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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,159	10/17/2000	Oleg B. Rashkovskiy	INTL-0472-US (P10019)	2744
7590	10/05/2004		EXAMINER	
Timothy N Trop Trop Pruner & Hu PC 8554 Katy Freeway Suite 100 Houston, TX 77024			VU, NGOC K	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/690,159	RASHKOVSKIY, OLEG B.	
	Examiner	Art Unit	
	Ngoc K. Vu	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 44-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 44-71 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/25/04</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 02, 2004 has been entered.

Claim Objections

2. Claim 51 is objected to because of the following informalities: the term "interruption instruction" recited in line 1 of claim 51 is in singular, while the term "the interrupted instructions" recited in line 2 of claim 51 is in plural. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 44-52, 54-62 and 64-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmund et al. (US 6,698,020 B1).

Regarding **claim 44**, Zigmund discloses a method comprising:

receiving content (television program or video programming) and one or more advertisements on a content receiver (advertisement insertion device) (see figures 4-5; col. 7, lines 13-21; col. 8, lines 29-32);

storing the content (television program or video programming) in a storage location (82) and the advertisement in a cache (86) (see col. 11, lines 25-29; col. 15, lines 24-27 and figure 5); and

selecting an advertisement to interrupt the use of content (selecting an advertisement to interrupt the display of the video programming – see col. 7, lines 28-29; col. 10, lines 19-23; col. 11, lines 30-35), said selecting based on a content characteristic specified by an advertisement provider (the selecting based on advertisement parameters specified by an advertisement provider – see col. 8, lines 22-28; col. 11, lines 37-42; col. 12, lines 15-18 and 33-38).

Zigmond does not explicitly disclose storing the video programming and advertisement in an encrypted cache. It is noted that “encrypted cache” interpreted as the encrypted data stored in a storage. Official Notice is taken that storing the encrypted data in a storage for preventing unauthorized access is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Zigmond by storing the encrypted video programming and advertisement in a storage for preventing unauthorized access.

Regarding **claim 54**, Zigmond discloses an article comprising a machine-readable storage medium containing instruction (see col. 6, lines 48-61) that, if executed enable a system to:

receive content (television program or video programming) and one or more advertisements on a content receiver (advertisement insertion device) (see figures 4-5; col. 7, lines 13-21; col. 8, lines 29-32);

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store the content (television program or video programming) in a storage location (82) and the advertisement in a cache (86) (see col. 11, lines 25-29; col. 15, lines 24-27 and figure 5); and

select an advertisement to interrupt the use of content (selecting an advertisement to interrupt the display of the video programming – see col. 7, lines 28-29; col. 10, lines 19-23; col. 11, lines 30-35), said selecting based on a content characteristic specified by an advertisement provider (the selecting based on advertisement parameters specified by an advertisement provider – see col. 8, lines 22-28; col. 11, lines 37-42; col. 12, lines 15-18 and 33-38).

Zigmond does not explicitly disclose storing the video programming and advertisement in an encrypted cache. It is noted that “encrypted cache” interpreted as the encrypted data stored in a storage. Official Notice is taken that storing the encrypted data in a storage for preventing unauthorized access is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Zigmond by storing the encrypted video programming and advertisement in a storage for preventing unauthorized access.

Regarding **claims 45 and 55**, Zigmond discloses that an advertiser may specify a particular advertisement to be shown during a particular program is broadcast. The particular advertisement is selected according to a particular program being viewed based on content rating (see col. 12, lines 15-18 and 47-51; col. 13, lines 48-51).

Regarding **claims 46 and 56**, Zigmond discloses comparing the content ratings of the advertisement specified by the advertiser to content rating of video programming being viewed (see col. 12, lines 15-18; col. 13, lines 48-57).

Regarding **claims 47 and 57**, Zigmond discloses selecting an advertising based on subject matter specified by the advertisement provider (see col. 12, lines 15-18 and 60-62).

Regarding claims **48-49 and 58-59**, Zigmond discloses the subject matter of the television program may be identified using the descriptions in the electronic program database 81, by monitoring the contents of the closed captioning information that is broadcast with the video and audio portions of the television program (see col. 13, lines 1-6).

Regarding **claims 50 and 60**, Zigmond discloses storing a variety of content types, e.g., content of the video programming, viewer preference, geographical location, Internet and advertisements...etc, and allowing any one of the content types, e.g., advertisement, to be selected for play at any time (see col. 10, lines 18-22; col. 11, lines 18-30).

Regarding **claims 51 and 61**, Zigmond discloses receiving trigger signal, and forwarding the trigger signal to a shell (90), the shell (90) monitoring for criteria that determines when the video programming is able to be interrupted (see col. 15, lines 57-61). Zigmond discloses the trigger signal is transmitted with video programming (see col. 15, lines 45-47). Zigmond does not explicitly disclose receiving the trigger signal with program guide. Official Notice is taken that transmitting trigger signal or control signal with program guide information is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Zigmond by providing the trigger data from program guide information to reduce cost for data transmission over the network.

Regarding **claims 52 and 62**, Zigmond discloses receiving trigger signal over a trigger delivery channel (see col. 15, lines 45-47).

Regarding **claim 64**, Zigmond discloses a system comprising:

a receiver (80) to receive the transmission of content (television program or video programming) and one or more advertisements, said receiver (80) including a shell (83, 88, 90) (see figures 4-5; col. 7, lines 13-21; col. 8, lines 29-32); and

said shell (83, 88, 90) to allow use of content and automatically select and advertisement to interrupt the use of content (allow use of television program and automatically select advertisement to interrupt the display of the video programming – see col. 7, lines 28-29; col. 10, lines 19-23; col. 11, lines 30-35; col. 15, lines 57-61), said selection based on a content characteristic specified by an advertisement provider (the selecting based on advertisement parameters specified by an advertisement provider – see col. 8, lines 22-28; col. 11, lines 37-42; col. 12, lines 15-18 and 33-38).

Zigmond discloses storing the content (television program or video programming) in a storage location (82) and the advertisement in a cache (86) (see col. 11, lines 25-29; col. 15, lines 24-27 and figure 5).

Zigmond does not explicitly disclose an encrypted cache. It is noted that “encrypted cache” interpreted as the encrypted data stored in a storage. Official Notice is taken that storing the encrypted data in a storage for preventing unauthorized access is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Zigmond by providing encrypted cache to store the encrypted video programming and advertisement in a storage for preventing unauthorized access.

Regarding **claim 65**, Zigmond discloses the system is a television receiver (see col. 10, lines 22-24; col. 7, lines 4-12).

Regarding **claim 66**, Zigmond discloses receiving trigger signal over a trigger delivery channel to replace the video programming with the selected advertisement (see col. 15, lines 45-61).

Regarding **claim 67**, Zigmond discloses a device (88) that parses content from trigger event for replacing content with a content advertisement (see col. 15, lines 37-39).

Regarding **claim 68**, Zigmond discloses that an ad filter device 84 used to filter advertisements from ad delivery source according to the ad selection criteria for storing a limited number of advertisements in advertisement repository 86 (see col. 15, lines 17-23). Zigmond does not explicitly teach instructions for how to store the content. Official Notice is taken that providing command or instructions for storing or deleting the data in a storage to save space of the storage is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Zigmond by providing command or instructions for storing or deleting the data in a storage to save space of the storage.

Regarding **claim 69**, Zigmond discloses the means for detecting a trigger event may include computer-executable instructions carried on a computer-readable medium for analyzing the structure of a video programming feed and identifying a virtual triggering event. The trigger signal appears in the video programming feed, when unit 88 identifies the presence of a triggering signal, it prompts switch 90 to interrupt display of the video programming feed and to insert in its place the selected advertisement from advertisement repository 86 (see col. 15, lines 35-43 and 56-61).

Regarding **claim 70**, Zigmond discloses that the ad selection criteria (83) could be used to select advertisement based on content rating that is specified by an advertisement provider (see col. 13, lines 48-51; col. 12, lines 15-18; col. 11, lines 31-43).

Regarding **claim 71**, Zigmond discloses that the ad selection criteria (83) could be used to select advertisement based on subject matter that is specified by the advertisement provider (see col. 11, lines 31-43; col. 12, line 60 to col. 13, line 6).

5. Claims 53 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (US 6,698,020 B1) in view of Mendelson et al. (US 3,594,732 A).

Regarding **claims 53 and 63**, Zigmond discloses storing the content (television program or video programming) in a storage location (82) and the advertisement in a cache (86) (see col. 11, lines 25-29; col. 15, lines 24-27 and figure 5).

Zigmond does not explicitly disclose storing the video programming and advertisement in an encrypted cache. It is noted that "encrypted cache" interpreted as the encrypted data stored in a storage. Official Notice is taken that storing the encrypted data in a storage for preventing unauthorized access is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Zigmond by storing the encrypted video programming and advertisement in a storage for preventing unauthorized access.

Zigmond does not teach executing instructions enable distributing a particular content item to a variety of locations on the encrypted cached. Mendelson teaches that instructions are provided which cause the contents in memory locations to be relocated for storage into other memory locations (see col. 28, lines 26-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Zigmond by executing instructions which cause the contents to be relocated for storage into other memory locations for purpose of securing data or contents in the memory.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Examiner
Art Unit 2611

September 27, 2004